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IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

LI YING HUA, LI ZHENG ZHE and XU JING JI,) CASE NO. CV 05-0019

Plaintiffs,)

vs.)

MOTION FOR
SUMMARY JUDGMENT

JUNG JIN CORPORATION, a CNMI corporation,)
ASIA ENTERPRISES, INC., a CNMI corporation,)
PARK HWA SUN and KIM HANG KWON,)

Defendants.)

Date: August 10, 2006
Time: 9:00 a.m.
Judge: Hon. Alex R. Munson

MOTION

PLEASE TAKE NOTICE THAT Plaintiffs Li Ying Hua, Li Zheng Zhe and Xu Jing Ji, the Plaintiffs, by and through their attorney, do hereby move for summary judgment against all Defendants – Kim Hang Kwon (“Kim”), Park Hwa Sun (“Park”), Jung Jin Corporation (“Jung Jin”) and Asia Enterprises, Inc. (“Asia”).¹ This Motion is brought pursuant to Rule 56 of the Federal Rules of Civil Procedure, and is supported by the Memorandum that follows and these documents on file

¹ The default of the corporate defendants — Jung Jin Corporation and Asia Enterprises, Inc. — was entered by the Court on May 12, 2006, but the Court has not yet addressed Plaintiffs’ motion for a judgment by default against the corporate defendants. Accordingly, concurrent herewith, Plaintiffs are filing a renewed motion for a default judgment against the corporate defendants. Because the evidence that justifies the amount of damages to which Plaintiffs are entitled from the defaulting defendants is the same as that presented in the present Motion for Summary Judgment against the non-defaulting defendants, and because the evidence of joint and several liability is also the same, Plaintiffs have included the defaulted, corporate defendants in this Motion for Summary Judgment in addition to and as a possible alternative to judgment by default if the Court is not inclined to grant the relief requested in the companion to this Motion.

1 in this matter and/or being filed concurrently herewith (among other pleadings and records in this
2 matter):

- 3 1. Plaintiffs' Proposed Findings of Uncontroverted Fact (filed concurrently herewith);
- 4 2. Declaration of Plaintiff Li Ying Hua filed April 21, 2006;
- 5 3. Declaration of Plaintiff Xu Jing Ji filed April 21, 2006;
- 6 4. Declaration of Plaintiff Li Zheng Zhe filed April 21, 2006;
- 7 5. Declaration of Counsel for Plaintiffs filed April 21, 2006;
- 8 6. Transcript of Deposition of Jung Jin Corporation (filed concurrently herewith);
- 9 7. Transcript of Deposition of Asia Enterprises, Inc. (filed concurrently herewith);
- 10 8. Transcript of Deposition of Cindy Yu (filed concurrently herewith);
- 11 9. Transcript of Deposition of Kim Ki Sung (filed concurrently herewith);
- 12 10. Transcript of Deposition of Pil Sun Kim Kitami (filed concurrently herewith);
- 13 11. Affidavit of Stephen J. Nutting in Support of Motion to Withdraw filed February 3, 2006;
- 14 12. Answer to Plaintiff Li Ying Hua's First Interrogatories to Defendants (filed concurrently
15 herewith);
- 16 13. Answer to Plaintiff Xu Jing Ji's First Interrogatories to Defendants (filed concurrently
17 herewith);
- 18 14. Answer to Plaintiff Li Zheng Zhe's First Interrogatories to Defendants (filed concurrently
19 herewith);
- 20 15. Plaintiffs' Verified Complaint for Violations of the Fair Labor Standards Act and
21 Supplemental State Law Claims filed June 23, 2005;
- 22 16. Plaintiffs' First Amended Verified Complaint for Violations of the Fair Labor Standards
23 Act and Supplemental State Law Claims filed May 18, 2006;
- 24 17. Defendants' Verified Answer to Verified Complaint for Violations of the Fair Labor
25 Standards Act and Supplemental State Law Claims filed on July 12, 2005;
- 26 18. Order After Settlement Conference (1) Admonishing Individual Defendants; (2) Entering
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1 Default Against Corporate Defendants; and (3) Granting Motion to File Amended Complaint
2 entered May 12, 2006;

3 19. Defendants' Pre-Discovery Disclosure Statement filed October 19, 2005;

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5 For the reasons stated in the Memorandum submitted in support hereof, Plaintiffs
6 respectfully request that the Court grant Plaintiffs' Motion for Summary Judgment and enter
7 judgment against all Defendants and hold them all jointly and severally liable to Plaintiffs for the
8 total amount of \$168,292.80, plus costs and attorneys fees.

9 A hearing will be held on this motion on Thursday, August 10, 2006 at 9:00 a.m. or a soon
10 thereafter as the Court can hear the Motion in the above-entitled court located at the First Floor,
11 Horiguchi Building, Garapan, Saipan, Commonwealth of the Northern Mariana Islands.

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13 Respectfully submitted this 14th day of July, 2006.
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15 /s/ Mark B. Hanson

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